

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sara Jean Dickerson,)	
)	C/A No.: 2:07-0878-MBS
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Michael J. Astrue, Commissioner of)	
Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Sara Jean Dickerson filed applications for disabled widow's benefits and supplemental security income on June 29, 2004, alleging disability commencing February 1, 2003 because of depression, anxiety, and post traumatic stress disorder. The applications were denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge ("ALJ"). The ALJ held a hearing on January 31, 2006. On August 22, 2006, the ALJ issued a decision that Plaintiff was not disabled under sections 216(i) and 223(d) of the Social Security Act. The ALJ also determined that Plaintiff was not disabled under section 1614(a)(3)(A) of the Act. On January 19, 2007, the Appeals Council determined that there was no basis for granting Plaintiff's request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the "final decision" of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for a Report and Recommendation. On April 29, 2008, the Magistrate Judge filed a Report and Recommendation in which he recommended that the Commissioner's decision be reversed under sentence four of § 405(g) and § 1383(c)(3) and the case remanded to the Commissioner to take appropriate action regarding the award of benefits to Plaintiff based on a disability commencing February 1, 2003. No party filed objections to the Report and

Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly,

It is ORDERED that the Commissioner's decision be reversed pursuant to sentence four of § 405(g) and § 1383(c)(3), and the case be remanded to the Commissioner to take appropriate action regarding the award of benefits to Plaintiff based on a disability commencing February 1, 2003.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

May 28, 2008.